

## REMARKS

Claims 18-26 were elected without traverse and are pending.

### **Oath/Declaration**

The office action requested a new declaration following correction of a typographical error in the reference to the original priority application. A substitute declaration is enclosed.

### **Information Disclosure Statement**

The Office Action noted 37 CFR 1.98(b) regarding citation of information for consideration. The references mentioned in the specification are not believed to be material, but are nonetheless listed on an accompanying information disclosure statement.

### **Drawings**

The drawings were objected to concerning the duplicate use of reference character 60. Accordingly, Figure 2 is amended to change the feature “genset 60” to “genset 59.”

The drawings were further objected to because reference number 135 was used in the specification but not the drawings. The use of reference number 135 in the drawings was in error, and should have been 134 as discussed below the specification has been amended to correct this error.

Drawing Sheet 2, Figure 2, as amended, is attached hereto.

### **Specification**

The specification has been amended to correct the duplicate use of reference numeral 60. Specifically, the feature “genset 60” has been changed to “genset 59”. In addition, reference to the “plate 135” has been changed to “plate 134”.

### **Section 112**

The office action noted certain rejections to the claims under Section 112. In claim 18, there was an objection related to antecedent basis for the generator. The claim has been amended to address this issue.

Claim 20 was also amended to address an antecedent basis rejection related to “the gas.”

Claims 25 and 26 were amended to change “the input” to the “second input,” with an accompanying clarification in claim 18.

These revisions are believed to address the issues raised in the office action, and none of them are believed to affect the scope of the claims.

## **Section 102**

Claims 18, 19, 20, 25, and 26 were rejected under Section 102(b) as anticipated by Kawatsu (US Patent No. 5,712,052). Kawatsu relates to a fuel cell generator, in which the chemical energy of a fuel is converted directly into electrical energy. The fuel cell generally includes a pair of electrodes arranged across an electrolyte, with one electrode exposed to a reactive hydrogen-rich fuel and the other exposed to an oxidizing gas. As with the Kawatsu example, gases such as carbon dioxide and carbon monoxide are used internally in the process in order to produce the electrochemical reactions that generate electricity. An imbalance of carbon monoxide within the system reduces performance and is undesirable. The process takes place internally and therefore the concentration of gases is monitored as an internal condition; indeed within the Kawatsu patent there is no reference to exhaust or the presence of carbon dioxide or other gases external to the generator.

By contrast, the invention of claim 18 is concerned with detecting undesirable operating conditions external to the generator. In this response, claim 18 has been amended to require the controller to receive “signals from an external operating condition source” and to be configured to inhibit operation based on an undesirable condition detected from that external source. Kawatsu does not teach the monitoring of such an external source in order to inhibit generator operation. As such, claim 18 and its dependent claims should be in condition for allowance.

Claims 18, 25, and 26 were further rejected under Section 120(b) in view of Yamaguchi (US Patent No. 5,823,281). In addition to the issues discussed above, claim 18 has been amended to include the requirement that the controller have programming “to enable the processor to

decode electronic indicators produced by the generator” and “a display configured to present text messages related to the electronic indicators.” This feature is not taught by Yamaguchi.

Claims 18, 22, 25, and 26 were rejected under Section 102(b) in view of Hirakata (International Publication WO01/95417). For at least the reasons discussed above with respect to Kawatsu and Yamaguchi, this set of claims should be allowed over Hirakata.

Claim 21 was rejected under Section 103 in view of the combination of Yamaguchi and Gabriel (US Patent No. 6,724,100). For at least the reasons discussed above with respect to Kawatsu and Yamaguchi, this set of claims should be allowed.

Claim 24 was rejected under Section 103 in view of the combination of Kawatsu and Mandiroossian (US Patent No. 6,208,040). In addition to the arguments raised above with respect to the base claim, this combination fails to teach the additional limitations of claim 24. In particular, it does not teach that the undesirable condition is “the presence of power available at the external alternating current source.” On the contrary, in Mandiroossian, the alternating current power source is always available, and the power management discussed in the cited reference is related to avoiding the use of that power at peak times of day. Thus, it is not the presence of the power source that Mandiroossian is concerned with, but rather the time of day and the high cost at peak demand times. Accordingly, claim 24 is not taught or suggested by the prior art of record.

Claim 23 was also rejected under Noonan et al. (US Patent No. 5,204,814). Noonan is cited for the proposition that it teaches the avoidance of a building. But in Noonan, the invention is an autonomous lawn mower that might run into an object. The present invention is quite different, in that the concern is not whether the device might run into a building, but rather whether it is left to operate, even in a stationary position, adjacent a building. Moreover, the combination of cited references does not suggest the claim in the manner claimed. Claim 23 literally requires operation to be inhibited in “the presence of a building adjacent to a vehicle to

which the generator is connected.” Still further, the base claim should be allowable for the reasons discussed above. Accordingly, claim 23 is believed to be in condition for allowance.

#### CONCLUSION

As discussed above, the pending claims should be in condition for allowance.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Lawrence D. Graham

Registration No. 40,001

Direct Dial: 206.381.3304